

public road or bridge, or any bridge or road so built in lieu of one so destroyed, be on or through property acquired by said City for the purposes contemplated by this Act, it shall be the duty of said City thereafter at all times to maintain the same in good order and repair for the free use of the public, so far as the same may be on or through such property, subject to such provisions and conditions, looking to maintain the purity of the City's water supply, as the said Mayor and City Council of Baltimore may by ordinance impose; and providing further, that the said Mayor and City Council of Baltimore shall not have the power, anything in this Act or in any other Act to the contrary notwithstanding, to condemn any such public road or bridge of any of the counties affected by the provisions of this Act, but shall have the right to divert, alter, close or destroy any public road or bridge of any of said counties, when necessary in the course of such work, only by agreement with the Highways Commission of the county affected or other proper authorities having charge and control thereof, on such terms as to replacing the same for the convenience of the public as may by said Highways Commission or other proper authorities be required. In the event that said City and the authorities of any county affected may not be able to agree upon the terms under which said road or bridge is to be altered, diverted, closed or destroyed, or upon the location or character of the road or bridge to replace the same, or upon any other terms as to the replacing of the same, the matter shall be referred to the Roads Engineer of the county affected, for the time being, and the Director of Public Works of Baltimore City, for the time being, who shall have plenary power to consider and decide all questions in connection with such diversion, alteration, closure or destruction of such road or bridge, and to determine where, how and in what manner, and within what time, the same shall be replaced by said City. No road or bridge shall be closed or altered in whole or in part under the provisions of this Act until another shall have been constructed and opened to the public in lieu thereof as herein provided, and said Engineers shall have full power and authority to summon, and require the attendance of, all witnesses in connection with their inquiries under this section, and to require that their testimony shall be taken under oath, as required by law. The decision of said Engineers in all matters between the City and any county affected which may devolve upon them under this section shall be final and conclusive unless impeached for fraud in appropriate proceedings instituted in the Circuit Court for the county affected, to set aside their findings on such ground. Whenever said Engineers may require and determine that the Mayor and City Council of Baltimore shall construct a road to replace any road diverted, altered, closed or destroyed, or to be diverted, altered, closed or destroyed in the course of the work contemplated by this Act, said City shall have power to agree with the owners of land, property or things to be taken or injuriously affected in the construction thereof, and, in default of agreement, to condemn the right of way under the provisions of this Act, authorizing the condemnation of property, land or things for the purposes of this Act, or may, at its election, make application to the Highways Commission or other proper authorities of the county affected, for the opening or alteration of such road, in which latter event the proceedings shall be those prescribed by law for the opening or alteration of roads in such county, except that no land owner shall be assessed for any part of the cost thereof, the whole of such cost